

RCE of Application No.: 09/810,883
Attorney Docket No.: TNX 98-08-01
Customer No.: 26839

REMARKS/ARGUMENTS

Claims 47-56 are now pending in this application. Claims 29-31, 33-43, and 45-46 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Applicants reserve the right to file continuations directed to the subject matter of the cancelled claims. No new matter has been introduced by this amendment.

Applicants offer the following remarks in order to expedite prosecution.

I. Rejections Under 35 U.S.C. § 102(b)

Claims 29, 31, and 33-43 were rejected as anticipated by Daeron et al. (EP 0861 891). The Office asserted that Daeron et al. teach bispecific antibodies capable of crosslinking a stimulatory ITAM and a KIR or KIR homologue, such as gp49B1, which contains an ITIM. Applicants submit that this rejection should not apply to new claims 47-56. The ITIM of claim 47 is selected from the group consisting of FcγRIIB, FcγRIII, and FcεRII, and therefore does not refer to KIR or its homologue.

II. Rejections Under 35 U.S.C. § 103(a)

B. Claim 30 was rejected as unpatentable over Daeron et al. (EP 0 861 891) in view of Queen et al. 5,530,101. Applicants submit that Daeron et al. does not teach the claimed invention as discussed in section I above. Queen merely teaches the humanization of antibodies and does not provide any disclosure with regard to ITIM or ITAM. Therefore, this rejection should not be applied to new claims 47-56.

Conclusion

In view of the foregoing remarks, Applicants assert that the application is in condition for allowance and request a notice of same.

Respectfully Submitted,

Dated: March 1, 2005.

BY: Cheri A. Liljestrand
Cheri A. Liljestrand
Reg. No. 45,275